



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

January 4, 1991

Ms. Mary Ann Courter
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR91-005

Dear Ms. Courter:

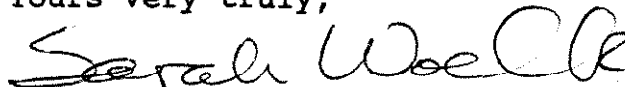
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11025.

The Texas Department of Public Safety received an open records request for the "investigation and final report . . . concerning the allegations that two jailers in the Washington County Jail . . . violated the civil rights of several female prisoners by engaging in sexual conduct with them." One of the former jailers has been convicted of bribery. The other has not yet been tried. You contend that sections 3(a)(3) and 3(a)(8) protect the requested report because it is the product of a pending criminal investigation and a second criminal prosecution is anticipated regarding this matter.

We have reviewed representative samples of the documents at issue. Previous determinations of this office, Open Records Decision Nos. 551 (1990) and 127 (1976), resolve your request. For this reason, you may withhold the requested information pursuant to sections 3(a)(3) and 3(a)(8). Please note, however, that this protection exists only to the extent that the information contained in the requested records has not been released to each of the criminal defendants or their legal counsel; no section 3(a)(3) or 3(a)(8) interest would be served by further withholding this information once it had been released to those individuals. See Open Records Decision Nos. 349 (1982); 202 (1978); 133 (1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-005.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/RWP/le

Ref.: ID# 11025

cc: Douglas M. Becker
900 West Avenue
Austin, Texas 78701-2228